IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition No.8260 of 2004

Mr Sunil D Salve...Petitioner
vs
The Union of India and ors....Respondents

Mr.Ashok Kotangle for petitioner

Mr. Rajiv Chavan with Yogeshwar Bhate for respondent no.l

CORAM: A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 25.ll.2004

P.C:

Heard the learned counsel for the parties.

2. The petitioner was working with respondent no. 3 as Anti Malaria Lascar till l5th November 2002 when his services came to be terminated. The petitioner was called for interview on 22nd March l994 for the post of Anti Malaria Lascar. On the said date, the petitioner was below 30 years of age and was,thus, fully qualified for the said appointment. However, the respondent no.2 issued the appointment order on l9th May 2002 as Anti Malaria Lascar on temporary basis and continued upto l5th November 2002. The petitioner was 29 years ll months on the date of interview and hence order dated 25th March 2003 passed by respondent

no.2 on the basis of date of appointment order stating that the petitioner was beyond maximum age limit is clearly erroneous. There is no dispute that the appointment of the petitioner is through the employment exchange. It appears that the services of many other employees, who were appointed alongwith petitioner have been regularised,however, the services of the petitioner are not regularised as he was beyond 30 years of age as on the date of his appointment i.e. l9th May l994.

3. The petitioner has rendered service for more than 8 years and he is liable to be considered for regularisation alongwith other similarly situated candidates. In the facts and circumstances of the facts we are of the opinion that this is a fit case to direct the respondents to waive the age bar and accordingly we direct the respondents to consider the case of the petitioner for regularisation by waiving the age bar and take appropriate decision within a period of 4 months.

Petition is accordingly disposed of.